

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for May 12, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Street and Alley Vacation #04004

**PROPOSAL:** Vacate South 6<sup>th</sup> Street between the south line of the Burlington Northern Sante Fe Railroad right-of-way and the north line of the east/west alley between "M" and "L" Streets.

**LOCATION:** 6<sup>th</sup> and "M" Streets

**LAND AREA:** 6,170 square feet, more or less.

**CONCLUSION:** The vacation of this right-of-way conforms to the Comprehensive Plan provided easements are retained for public utilities.

<b><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** South 6<sup>th</sup> Street between the south line of the Burlington Northern Sante Fe Railroad right-of-way and the north line of the east/west alley between "M" and "L" Streets, located in Section 26 T10N R6E, Lancaster County, Nebraska.

### **SURROUNDING LAND USE AND ZONING:**

North:	BNSF railroad	I-1 Industrial
South:	Industrial	I-1 industrial
East:	Offices	I-1 industrial
West:	BNSF railroad	I-1 industrial

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan identifies this area as Industrial. (F 25)

**UTILITIES:** Aquila, LES, and Public Works all have facilities within this area. An easement for existing and future facilities should be retained. LES will remove one light pole.

**TRAFFIC ANALYSIS:** This portion of 6<sup>th</sup> Street right-of-way is not improved. This portion dead-ends on the north at the railroad right-of-way, and on the south at a previously vacated portion of 6<sup>th</sup> Street. This portion of right-of-way is not necessary for traffic purposes.

**ANALYSIS:**

1. This is a request to vacate South 6<sup>th</sup> Street between the south line of the Burlington Northern Sante Fe Railroad right-of-way and the north line of the east/west alley between "M" and "L" Streets.
2. There are two property owners abutting this right-of-way, only one of whom has signed the petition. The Burlington Northern and Sante Fe Railway Company has declined to submit a petition apparently because this is too minor of an issue to them. The Applicant has requested the City go forward with the vacation of the entire width of the right-of-way, and is willing to purchase the entire vacated area.
3. Another issue deals with the acquisition by the City of title to 6<sup>th</sup> Street. There is a degree of uncertainty as to whether or not the City can validly convey title to the west half of this right-of-way without a petition from the railroad. However, Applicant is willing to accept the risk that the conveyance will be proper.
4. Although this does not conform to the normal process, the Law Department has concluded this petition may move forward without full participation of abutting owners.
5. The vacation of this right-of-way will not create any lots without frontage or access to a public street.
6. A permanent easement should be retained over the entire vacated area for existing and future utilities.
7. The Public Works Department also recommends vacating the entire east/west alley from 5<sup>th</sup> to 7<sup>th</sup> Streets. Doing so would require a new application and petitions from all of the abutting property owners.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 Meet the provisions of Chapter 14.20 of the Lincoln Municipal Code.
- 1.2 Retain an easement over the entire vacated area for existing and future utilities.

Prepared by:

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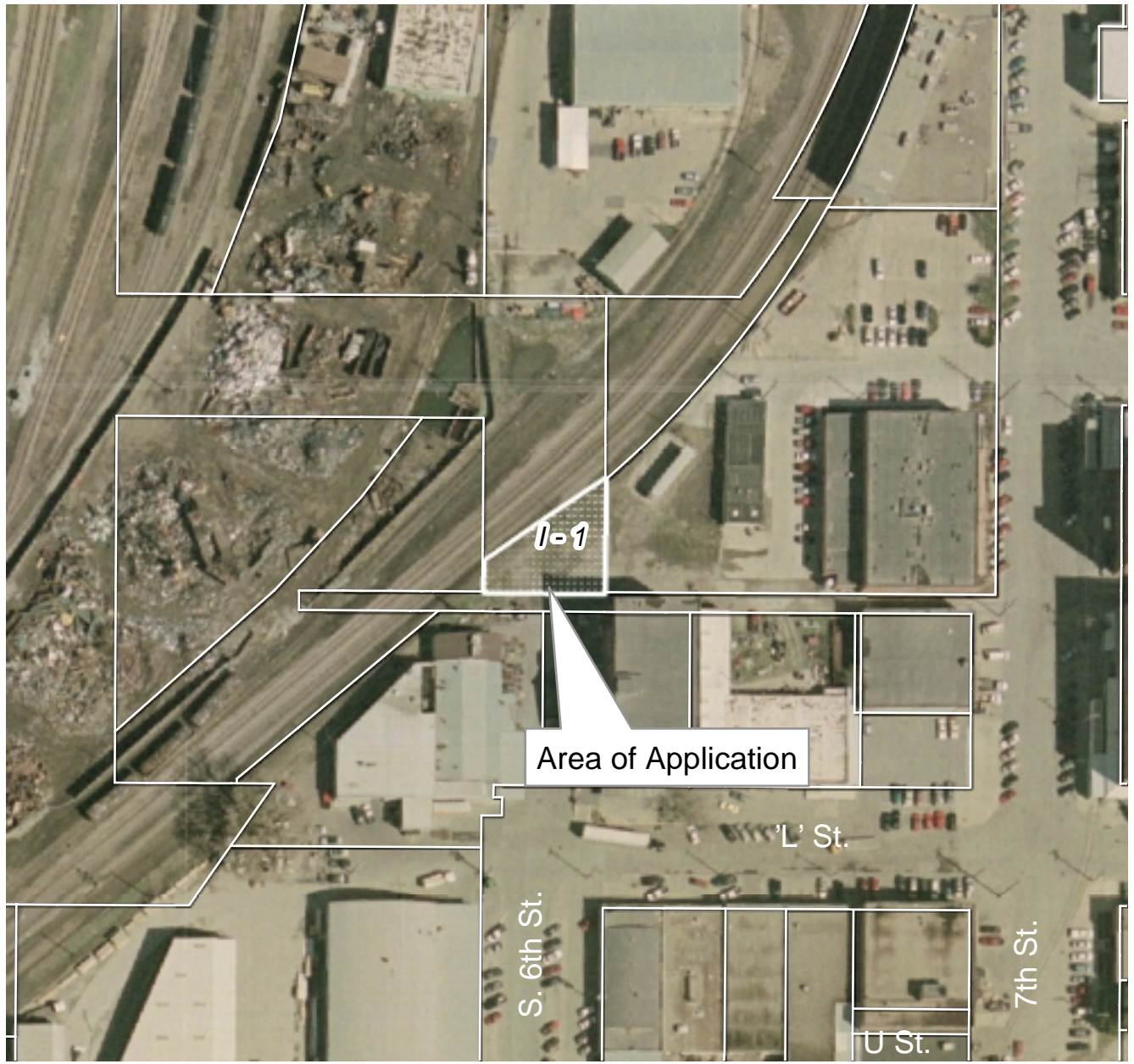
**Date:** May 12, 2004

**Applicant:** Cotswold Management, LLC  
645 M Street  
Lincoln, NE 68508  
476.2413

**Owners:** Cotswold Management, LLC  
645 M Street  
Lincoln, NE 68508

Burlington Northern and Sante Fe Railway Company  
Property Department  
PO Box 961089  
Fort Worth, TX 76161-0089

**Contact:** J. Michael Rierden  
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Lincoln, NE 68508  
476.2413



2002 aerial

# **Street & Alley Vacation #04004** **6th & M St.**

## **Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 26 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction

